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THE LEGAL POSITION OF WOMEN IN ISLÂM

University of London
(Faculty of Laws)

THE LEGAL POSITION OF WOMEN IN ISLÂM

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BY

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THE LEGAL POSITION OF WOMEN IN ISLÂM

In England, one might say almost in every European country, there is a great misapprehension regarding the legal position of women in Islâm. It is supposed that in Christendom alone woman occupies an equal place with man. I do not wish to examine the correctness of this proposition. My suffragist friends, for whom personally I have great sympathy, a sympathy which has lasted nearly forty years, will probably be the first to dispute its accuracy. My own view is that in the Islamic System she occupies a far higher

legal position than was accorded to her, even in England, until recent years, and a decidedly higher position than in many Continental countries. And this view is founded, not on a knowledge of any one system, but based on some acquaintance with others besides the Islamic rules.

There is some excuse for the misapprehension to which I have referred on the part of Continental nations who have little or no direct concern with Islamic peoples; and even when they do come in contact their relations in the majority of cases are characterized by a total lack of sympathy.

To England the subject is of more than academical interest. A hundred millions of Mussulmans directly or indirectly own allegiance to our Sovereign. They practically form one-fourth of the vast and conglomerate population of the British

Empire. A thorough and sympathetic understanding of their laws and institutions, a due consideration of their feelings and sentiments, must unquestionably be of the greatest importance in the administration of this world-wide Empire.

Policies may vary with changing circumstances or particular idiosyncrasies, but one fact, I say without fear of challenge, must remain unchanged—the Throne of England must rest on the attachment of the millions who acknowledge its sway, which again depends on due regard and consideration for all their cherished traditions.

The misapprehension regarding the position of Mussulmạn women is a part of the general and unsympathetic attitude, not confined to the ignorant multitude, towards Mussulman nations. I say again, whatever excuse there may be for other

European communities, there is none for the English people to misunderstand the Mussulmans or to underrate their feelings and sentiments, their laws and institutions, for misunderstandings like these affect not merely social relations but the very foundations of the attachment on which the Empire is based.

For example, the statement that Mussulman women are mere slaves and that countries where women are kept in a state of abasement deserve to be wiped out—perhaps this idea is at the root of much that is going on under our eyes—that statement is not only offensive to His Majesty's Mussulman subjects, but a falsehood.

To remove the impression which must naturally be created by such statements, spread broadcast over the land, it is neces-

sary to discuss the legal position of a Mussulman woman from four points of view—

(1) As a daughter.

(2) As a wife.

(3) As a mother.

(4) As a member of the society to which she belongs.

Take her first as a daughter, and ask yourself initially what was the legal position of a maiden in the Hebrew or Roman System. I may even ask you to consider her position in the English System. Do not be afraid, I am not going to inflict on you a discourse on the Hebrew, Roman or English Law. I have discussed that at some length in my *Spirit of Islâm*, which perhaps you may have an opportunity of studying some day if your interest can carry you so far. But I know you have

come to hear me talk about Mussulman women, and I trust you will not find what I have to say too tiring or too much for your endurance. As I am only at the beginning of my address I must beg you to possess your souls in patience.

A Mussulman daughter does not depend on the foresight of her parents or the affection of her brothers or other relatives for a future provision. The law throws over her its special protection. It declares in express terms her title to a share in her parents' patrimony, which she takes in her own absolute right. The share may vary according to the number and title of the other heirs left by the deceased parent, but under no circumstance can she be deprived of some portion of the inheritance. For example, when a person dies leaving only a daughter and a son, the daughter's

share is one-third and the son's two-thirds.

(The female under the Mussulman law always takes half the share of a male.) If there is one daughter and two sons, she takes one-fifth and the sons two-fifths each; if there are two daughters and one son, he takes a moiety, and the sisters one-fourth each. All this is a matter of arithmetical calculation and does not require the intervention of the family lawyer to swell expenses and diminish the distributable assets.

Whilst she is under age and unmarried she lives with her mother, who is her guardian.

During minority guardians have a qualified power of contracting her in marriage. But even a father cannot enter into a contract of marriage for his minor daughter

which is detrimental to her interests, or with a person who does not belong to the same status in life or who is suffering from some disease. In case of any such attempt the Judge, on the motion of any other guardian, has the power of prohibiting its completion; whilst in the case of a contract entered into by any person other than the father, according to one school it is subject to her option on attaining majority, according to the other school it is ineffective until ratified by her.

But once she attains majority, which, according to most of the schools, is on the completion of the fifteenth year, the marriage can be contracted only with her express consent, and no person, "not even the King," can compel her marriage. Remember this rule was enacted in the seventh century of the Christian Era, and

may be used to illustrate the precepts and practice of Europe up to the sixteenth century, even later.

The Mussulman law attaches great importance to what it calls "equality in marriage." Mussulman jurists believed that ill-assorted unions do not conduce to family happiness, and therefore viewed with disfavour the alliance of a high-born maiden to a person of inferior station in life.

Among the Arabs the rules of equality were very minute, and those rules are preserved with great fidelity in the Hanafi school. Thus, although a *sui juris* young lady has an absolute right to marry any one she likes, if she takes it into her head to contract a mésalliance with her groom, the law gives the power to her relations to apply to the Court to get it

cancelled. But that right "drops" on the birth of a child to the defaulting couple.

This naturally brings us to her position as a wife. A Mussulman wife does not lose her individuality upon marriage. She retains after marriage all the rights which the law vests in her from the moment she comes into the world. Her property belongs to her in her own right to deal with it as she likes; if she is a wage-earner her earnings belong to her absolutely without the smallest right on the part of the husband to intermeddle or appropriate them. On the death of the husband she is entitled to a share in his inheritance. When there are children she is entitled to an eighth; but when there are no children she inherits a fourth. Her right to the custody of her children does not depend on the idiosyncrasies of individual judges, but is laid

down in express terms by the law. The custody of a male child appertains to her exclusively until he attains the age when he must be placed under a tutor for schooling and training. This age varies from seven to nine, whilst the custody of a female child belongs to her until the daughter attains majority or is married. On marriage she is entitled to a settlement technically called "dower" in accordance with the station in life of her husband, which is absolutely hers to dispose of or leave to her heirs, among whom the husband is one. If no settlement is made at the time of the contract, the law presumes the amount to be in accordance with the usual settlements in favour of women of her father's family, as they are considered to furnish the standard for fixing the dower she ought to receive.

During couverture she is entitled to maintenance suitable to her position and the means of the husband. In case of desertion or habitual ill-treatment she can seek a dissolution of the marriage in the Court of Justice. Nor does the law contemplate a woman remaining permanently tied to a lunatic, or to a husband afflicted with an incurable and pernicious malady. In all these cases she is entitled to relief.

Among the advanced Mussulman communities a bride is a person of great consequence. The extraordinary consideration that was paid to brides in the royal families of Delhi and Oude furnishes some indication of the position women occupy in the Islamic System. To English historians and lawyers, I say lawyers, because the reports of Indian cases are replete with illustrations of my statement—the deference

paid in great families to brides, the titles they receive, the ceremony and consideration with which they are surrounded, convey no meaning. To the student who dives below the surface they are full of significance. I should be sorry if all that old Oriental chivalry were to disappear under the thoroughly prosaic influences of what passes by the name of Western Civilization.

As a mother, a Mussulman woman's position in the family is of unique interest.

The Founder of Islâm declared, "Paradise is at the feet of the mother," and the reverence that is paid to the mother in Mussulman domestic circles is the direct outcome of the great Prophet's teachings.

In the Western Systems, so far as I am aware, a mother has no claim—no legal

claim, I mean—on her son. He may be a millionaire, in the habit of helping her in his lifetime. If he were to die she cannot claim or receive the smallest fraction of his wealth.

Under the Mussulman law the mother is entitled to a specific share in the inheritance of the deceased son. She is thus assured against want in her old age, if circumstances had made her dependent on her deceased children's bounty in their lifetime.

Although the law does not give her all the powers possessed by the father over the immovable property of her minor children, it must be remembered he himself cannot deal with what belongs to them except for their necessity or benefit.

As a member of society, a woman has the same rights and the same responsi-

bilities as a man. She is a perfectly free agent, as competent to deal with her property as her brother, husband or father. She can enter into a contract and make binding engagements with anybody without the intervention or association of husband or father. If she is not a minor her contractual powers are identical with those of her male relatives. She is not precluded (by reason of her sex) from holding any office or discharging any function which may be held or discharged by a member of the opposite sex and which does not involve any exceptional or special duties. For example, a woman can equally with a man hold the office of a Rector of a University or Governor of an endowment; but where a particular office carries with it special duties which can be discharged only by men, a woman is debarred by her sex

from holding it. One example will illustrate my meaning. You know probably that in Mussulman countries there are bodies of mystics, each of whom has its own special esoteric doctrines. These brotherhoods form so many congregations under their own spiritual leaders, who have to initiate their disciples into the mysteries of their respective cults. Women are usually precluded from holding these positions, though there are cases on record where holy women, who by their learning and saintliness had attained a high rank, were recognized even among the sects of mystics as spiritual chiefs.

But even where duties are attached to an office which cannot, in ordinary circumstances, be discharged personally by a woman, but which can be carried out under her directions by a delegate or proxy, there

is nothing in law or usage to prevent her from holding it.

And Abû Hanifa, the founder of the great Hanifa School of Mussulman Law to which the bulk of the Sunni world belong, has declared that a woman is entitled to hold the office of Judge or Kâzi equally with a man. This was enunciated in the eighth century of the Christian Era. The question may well be asked if Europe has risen to the same conception of woman's rights and privileges in the twentieth century?

The whole history of Islâm from its promulgation down to the present time is replete with the records of distinguished and brilliant women who have left their impress ineffaceably marked on the annals of their times. Fâtima, our "Lady of Light"—the daughter of the Prophet—

preached to mixed assemblies of men and women.

Obaidah, the tambourinist (*at-ṭambûria*), who lived in the reign of the Caliphs Mâmûn and Mutasim, is described by the author of the *Kitâb ul-Aghâni* as a woman of great beauty, virtue and talent.

"She was," says the author of the *Kitâb ul-Aghâni*, "one of the most virtuous women of former times, and her worth and accomplishments have been testified to by Ishâk" (the famous musician), "and Abû Khashîsha used to honour her and acknowledged her superiority and genius."

Fazl the poetess flourished under Mutawwakil, in whose palace she appears to have lived for a while. After her enfranchisement by Mutawwakil she married and lived in Bagdad. Her poetry is considered

equal in merit to that of the foremost poets of the time.

The Shaikha Shuhda, who flourished in the sixth century of the Hegira, lectured in Bagdad on history and *belles lettres*, and was renowned for the excellence of her handwriting. One of the most famous lady-jurists was Zainab Umm ul-Muwayyid, who lived about the beginning of the twelfth century of the Christian Era, and the middle of the sixth of the Hegira. She was born A.H. 524 (1146 A.C.) and died A.H. 615 (1237).

She had received from some of the prominent doctors of the age diplomas of competency, and was licensed to teach law. In the time of Saladin flourished Takièh, daughter of Abu'l Faraj, the historian who lectured on the traditions; she also was a poetess of eminence.

The pages of Ameer Osâma give a very vivid picture of the high position occupied by women among the Arabs. "In the midst of the great turmoil of the eleventh century, when the social and political fabric of Western Asia was almost in a state of dissolution, woman was still, especially at Shaizar, the object of chivalrous adoration, and of delicate care and attention. Marriage was regarded as a solemn act, the domestic hearth a sanctuary, and the birth of children, especially sons, a blessing from Heaven. To the mother belonged the training of her sons and daughters; the sons were brought up by her until they passed into the hands of tutors; the daughters were trained to be virtuous, pure-souled women—the future 'mothers of men.'" [1]

[1] *Short History of the Saracens.*

But this lecture will hardly be complete without reference to two matters which are usually treated as flaws in the social and legal system of Islâm with regard to the status of women.

One is polygamy, and the other the practice of seclusion observed in Mussulman countries by ladies with any pretension to rank or position—for it must be observed that women in the lower walks of life are not subject to this aristocratic custom. Neither of these institutions affect the legal position of women, but the totally false idea that they somehow form part of the Islamic system often influences the attitude of Western peoples towards Moslem nations.

Now, let me state as emphatically as I can that polygamy is not a part of Islâm; or, to put it a little differently, it is as much

a part of the Islamic System as any other disagreeable institution common in the West is a part of Christianity. The custom of plurality of wives, just like the converse custom of plurality of husbands, has been known to the world from the earliest times. It came into existence from the necessities of primitive life, and will disappear only when moral ideals accord with economic conditions. In Central Africa, where the extent of a man's tillage depends on the assistance of his wives, the problem is one of some difficulty. Perhaps you may have heard how one of the indigenous inhabitants solved the problem for himself. He had gone to a neighbouring Christian missionary to be baptized; but was told he could not receive baptism until he had put away all his wives excepting one. He is said to have retired very unhappy. But he

returned with his request a few days later, and on being asked the natural question what he had done with his wives, he proudly answered he had eaten them. Well, that is rather a drastic solution of a burning question which cannot be recommended outside Central Africa.

Polygamy was practised almost without exception among all the nations of antiquity. It was in vogue among the Athenians, the Persians, the Hebrews and the pre-Islamite Arabs, who recognized no limitation or restriction regarding the number of wives a man might marry. Even in Christendom, in spite of the edict of Justinian, the practice was common, and morganatic and left-handed marriages were not confined to the aristocracy. And is the practice quite unknown in our own times?

Let us see what the founder of Islâm did to change and raise the moral ideas of his people. He fixed an absolute limit on the number of contemporaneous marriages, and he subjected the permission, which was mere toleration of an existing and extravagant custom, to a condition so stringent that it virtually amounted to a prohibition. He declared that "you may marry two, three or four wives, but not more; if you cannot deal with equity with all, you shall marry only one." "Equity" in this passage of the Koran does not signify mere equality of treatment in the matter of "lodgement and maintenance," as some of the archaic schools of law have construed, but also complete equality in love, affection and esteem. This view was propounded as early as the eighth century of the Christian Era by the Mutazalite

doctors, who laid down that, as absolute equality in matters of feeling was impossible, the Koranic prescription amounted to a prohibition of more than one contemporaneous marriage. And this view is gaining ground even among the followers of other sects. In India hardly more than two per cent. of men have more than one wife; in Persia it is about the same, whilst in Turkey polygamy is extremely rare.

The practice of polygamy is thus falling into desuetude, if not disrepute, even among those sects who considered that it was permissible within the limits laid down by the Founder of Islâm. With the progress of thought, with the ever-changing conditions of the world, the necessity which brought about the practice of polygamy disappears, and its practice is tacitly aban-

doned or expressly forbidden. But where, as in Central Africa, let us say, in the country of our cannibal candidate for baptism, conditions still exist which explain its retention, can we say it is immoral? The numerical superiority of women in unadvanced communities, their inability to support themselves by their own exertions, the very absence of vocations to enable them to obtain a livelihood, make a plurality of marriages a necessity of existence.

There is another aspect of the Mussulman law in this connection which requires the consideration of all earnest thinkers. I mean its extreme tenderness towards children and its repugnance to bastardize them. In most social and legal systems, by the accident of a previous marriage the children of a subsequent union unwittingly contracted, at least on the part of the

woman, are subjected to cruel injustice. Such a catastrophe is impossible under most of the schools of Mussulman law.

I now come to the practice of seclusion. In India it is commonly called *pardah*—which means a screen. The lady who sits behind the screen is styled a *Pardanashin*—just as a sovereign or ruler is called a *gaddi-nashin* or *masnad-nashin*.

Sitting behind a screen is a mark of honour, a privilege. If required as a witness in a Court of Justice a *pardanashin* is ordinarily entitled to give her evidence at home on what is called a commission. If she has to go into Court she is taken there in her palanquin, and her deposition is taken by an interpreter who repeats it to the Judge. You see, therefore, that it is a privilege, and jealously regarded as such by the ladies themselves.

"The practice of seclusion no doubt possesses many advantages in the social well-being of unsettled and uncultured communities; and even in countries where the diversity of culture and moral conceptions is great, a modified form of seclusion is not absolutely to be deprecated." [1]

It existed among the Athenians; later it was found among the Byzantines. It was in force among the Russians in a very strict form until Peter, usually called "Great," abolished it by the most drastic methods. It existed among the ancient Persians, as the story of Esther and Vashti attests, and was practised among the Hindus even in the times of the Mahabharata.

So it is incorrect to say that the Prophet of Islâm introduced it. His rule that women when going out of their homes

[1] See *The Spirit of Islâm.*

should cover themselves properly was a direction in favour of decency and decorum. And so it was understood and acted upon for centuries.

Not until Byzantine licence and Persian luxury had sapped the simplicity and freedom of the desert did the Moslems lose their old chivalry. Almost up to the time when the Mongols overwhelmed Central and Western Asia fathers were proud "to assume surnames after their accomplished and beautiful daughters, and brothers and lovers still rushed to battle acclaiming the names of their sisters and lady-loves." Royal princesses used to accompany the army and even commanded troops. Many of them ran race-horses. The mother of the Caliph Muktadir herself presided at the High Court of Appeal, listened to applications and gave audiences. The custom

of giving musical *soirées* by princesses and ladies of high rank was common. At Cordova and Granada the Saracen lady was an undisguised spectator at the frequent jousts and tournaments which enlivened the two great cities of Moslem Spain.

Why it became more stringent in later times I have explained in another place. But the stringency of the custom is relaxing in most Islamic countries, where the pernicious practices of the West, which claims a monopoly of what is ordinarily called civilization, are not creating a revulsion of feeling in its favour as a safe-guard for the purity of the home. May I illustrate my meaning by one concrete example. The French are anxious to civilize Morocco, with the express approval of England, at the point of the bayonet; the Italians are engaged at present in the same work a little

farther on. Had the Moors and Arabs been Christians they would have been called patriots and heroes; but as they are Mussulmans they are only "fanatics." Patriots or fanatics, they object to their daughters and sisters being turned into Parisian cocottes, or their youths into absinthe-drinking *flaneurs* of the *boulevards*. If you want to know what lies before the Moors if they are enslaved by the French, read Mr. Leeder's *Gateway of the Desert*.

This may appear to you a slight digression from my main thesis, but I do not consider it so. In my opinion it has an important bearing on the position of women in the Moslem world.

The subject of slavery, which is regarded in the Pandects, if I remember rightly, as a law of nature, is outside the scope of this

lecture, but one rule laid down by the great Lawgiver of Islâm with regard to women who were unfortunate enough to be held in bondage deserves the serious consideration of all students of the comparative history of human institutions.

You know, or perhaps you do not know, that human chattlehood is unknown to Islâm; that the man who deals in human beings is declared to be the outcast of humanity and is placed under the severest ban. In ancient times it was the universal custom to put captives of war to the sword, and to reduce to slavery their women and children. Mohammed interdicted the slaying and mutilation of captives. He directed that only those taken captives in lawful warfare were to be kept in bond until ransomed. The ransoming and emancipation of bondspeople are

reckoned as the highest acts of piety. In no case were parents to be separated from their children, brothers from brothers, or sisters from sisters, or wives from husbands; and what is more, and this was the rule to which I was directing your attention, if a bondswoman bear a child to her master, she becomes *ipso facto* emancipated, and the child has the rights of a legitimate offspring. Compare this with what prevailed in Europe up to the close of the fifteenth century and in the civilized States of North America in our own times.

I come now to the subject of divorce, regarding which also there is a great deal of misconception. A distinguished writer gave, a little while ago, after a short visit to Egypt, in the columns of one of the daily papers voluminous accounts of the law and rules of divorce among Mussul-

man peoples. His articles showed great sympathy, but he did not appear to be thoroughly acquainted with his subject. For example, he did not seem to know, certainly he did not state it in his articles, that the different schools differ widely both as regards the faculty and mode of divorce, and that one school particularly places the dissolution of the marriage contract in the hands of the Judge. Nor did he point out that the Lawgiver of Islâm pronounced that although it is permitted to the man to dissolve the tie of his own motion, it is "a most abominable act, hated by God." The full significance of this pronouncement will be understood by those who know how the religious and civil laws are mixed in Islâm. It is this which makes the exercise of the faculty so rare among advanced Moslem communities. In the whole course

of my experience at the Bar and on the Bench I came across only two cases, in which, I must confess, the fault was not altogether on the side of the man.

The Lawgiver subjected the exercise of the power to strict conditions. In the case of differences arising between the married parties, they were to have recourse first to arbiters. On failure of all attempts at reconciliation the husband has to pronounce solemnly the formula of dissolution, which is not to take effect for three months. This period, during which the wife retains her full rights of inheritance, is provided for repentance. Or the formula may be pronounced three times at the interval of a month. These are the only lawful modes.

Mr. Hall Caine, in his strictures on what he justly called the licence of divorce as

practised among the lower orders in Egypt, was evidently referring to the irregular, or heretical mode, as it is usually called, which sprang up later when the Ommeyade sovereigns of Damascus found the rules of Islâm too stringent for their likings and desires. This mode, which was, in fact, a revival of the old pre-Islamite customs and conditions, is condemned as unlawful by the Shiahs and the Mutazalites. The latter, however, hold that in every case the matter should be laid before the Judge to decide whether the cause assigned for the dissolution of the marriage was valid or not.

The wife, too, has a right to demand a divorce; but where the marriage is dissolved at her instance she forfeits her claim to any portion of the dower that remains unpaid. In all other cases her right to her

settlement is indefeasible. Nor can a man, even under the older schools, if he happens to be stricken with a mortal illness, deprive his wife of her right of inheritance by pretending to dissolve the marriage-tie. The law calls him under such circumstances an "evader," and keeps the wife's right intact for a year. If he dies in the meantime she inherits in the ordinary course.

It will be seen from the above remarks that, in spite of the remains of some archaic conditions and customs, the legal position of Mussulman women among the advanced communities is one of singular freedom and more than privileged; among the backward peoples it is no worse than among any Christian community in the same stage of development.

As regards rights of property they occupy unquestionably a more favourable

position; as regards status they are not in any degree inferior to European women. Sometimes freedom becomes licence, and independence and emancipation become synonymous with social disorder. These phases of what is usually called "civilization" in the Western World are deprecated by Mussulman peoples, and they do not want them introduced into their countries. Whether they are right or wrong will not be answered by legists or philosophers, but by the superior machinery of modern warfare which Europe possesses in these days.

With your permission I should like to close this address with a passage from *The Spirit of Islâm.*

"Nineteen centuries of progressive development working with the legacy of a prior civilization, under the most favour-

able racial and climatic conditions, have tended to place women, in most countries of Christendom, on a higher social level than the men,—have given birth to a code of etiquette which, at least ostensibly, recognizes the right of women to higher social respect. But what is their legal position even in the most advanced communities of Christendom? Until very recently, even in England, a married woman possessed no rights independently of her husband. If the Moslem woman does not attain, in another hundred years, the social position of her European sister, there will be time enough to declaim against Islâm as a system and a Dispensation. But the Teacher, who in an age when no country, no system, no community gave any right to woman, maiden or married, mother or wife,—who, in a country where the birth

of a daughter was considered a calamity, secured to the sex rights which are only unwillingly, and under pressure, being conceded to them in the nineteenth century by the civilized nations, deserves the gratitude of humanity. If Mohammed had done nothing more, his claim to be a benefactor of mankind would have been indisputable. Even under the laws as they stand at present in the pages of the legists, the legal position of Moslem females may be said to compare favourably with that of European women. We have dealt in another place at length with this subject. We shall do no more here than glance at the provisions of the Moslem codes relating to women. As long as she is unmarried she remains under the parental roof, and until she attains her majority she is, to some extent, under the control of the father or his repre-

sentative. As soon, however, as she is of age, the law vests in her all the rights which belong to her as an independent human being. She is entitled to share in the inheritance of her parents along with her brothers, and though the proportion is different, the distinction is founded on the relative position of brother and sister.

"A woman who is *sui juris* can under no circumstances be married without her own express consent, 'not even by the Sultan.' (Centuries after the principle was laid down by the Moslem jurists, the sovereigns and chiefs of Christendom were in the habit of forcibly marrying women to their subjects.)

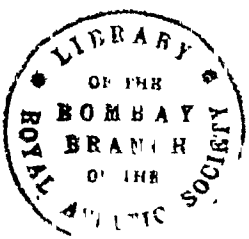
"On her marriage she does not lose her individuality. She does not cease to be a separate member of society.

"An ante-nuptial settlement by the husband in favour of the wife is a necessary

condition, and on his failure to make a settlement the law presumes one in accordance with the social position of the wife. A Moslem marriage is a civil act, needing no priest, requiring no ceremonial.

"The contract of marriage gives the man no power over the woman's person, beyond what the law defines, and none whatever upon her goods and property. Her rights as a mother do not depend for their recognition upon the idiosyncrasies of individual judges. Her earnings acquired by her own exertions can not be wasted by a prodigal husband, nor can she be ill-treated with impunity by one who is brutal. She acts, if *sui juris*, in all matters which relate to herself and her property in her own individual right, without the intervention of husband or father. She can sue her debtors in the open court, without the necessity of

joining a next friend, or under cover of her husband's name. She continues to exercise all the rights which the law gives to men. All the privileges which belong to her as a woman and a wife are secured to her, not by the courtesies which 'come and go,' but by the actual text in the book of law."



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